

Office of the Chapter 13 Standing Trustee

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April 9, 2018

The Honorable Jerrold N. Poslusny, Jr.
United States Bankruptcy Court
P.O. Box 2067
Camden, New Jersey 08102

RE: Chapter 13 Bankruptcy
Case No. 16-30073 (JNP)
Debtor(s) Name: Reginald T Ballard & Linda E. Lovingham-Ballard

Dear Judge Poslusny:

Please accept this letter as a limited objection to Debtors' Notice of Compromise Settlement of Controversy and Motion to Approve Settlement.

According to Debtors' Motion, the gross settlement totals \$95,000.00, with a net settlement to Debtor in the amount of \$58,873.17. Debtors' Notice fails to claim an exemption of the settlement. However, the amended Schedule C reflects \$23,675 exempt under 11 U.S.C. §522(d)(11)(D) for Linda Ballard and \$23,675 as exempt under 11 U.S.C. §522(d)(11)(D) for Reginald Ballard.

Pursuant to 11 U.S.C. §522(d)(11)(D) the Debtor is entitled to claim \$23,675 exempt on account of "personal bodily injury, not including pain and suffering or compensation for actual pecuniary loss, of the debtor or an individual whom the debtor is a dependent". Documentation included with Debtors' Motion lists only Linda Ballard on the settlement. Accordingly, Reginald Ballard cannot claim \$23,675 of personal injury settlement proceeds exempt under 11 U.S.C. §522(d)(11)(D).

Based on the foregoing, the Trustee respectfully requests Debtor' submit an amended Order to the Judge's Chambers under the Seven Day Rule to remove the distribution to Reginald Ballard and include the following language:

1. All non-exempt proceeds shall be forwarded to the Chapter 13 Standing Trustee to be distributed as an additional base to unsecured creditors who filed timely claims; and
2. Debtors shall file an amended Schedule C within ten (10) days of the date of this Order.

As always, the Court is welcome to contact the Trustee with any questions.

Respectfully submitted,

/s/ Jennifer R. Gorchow
Jennifer R. Gorchow
Staff Attorney

JRG/jmc

cc: Thomas E. Dowey, Esquire (Via ECF/CM)
Reginald & Linda Ballard (Via regular mail)